

Official Form 17  
(12/04)

# United States Bankruptcy Court

Eastern District Of New York

In re Marie Guerrero Tooker,  
Debtor

Case No. 10-79529 dte

Chapter 11

*[Caption as in Form 16A, 16B, or 16D, as appropriate]*

## NOTICE OF APPEAL

RECEIVED  
2011 MAR -8 P 2:22  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

Marie Guerrero Tooker, the Debtor appeals under 28 U.S.C. § 158(a) or (b) from the order of the bankruptcy judge dismissing case with prejudice, and denying motion to disqualify JUDGE EISENBURG for allowing a FRAUDULENT motion entered in a motion for a conversion of case and a motion to disqualify on February 22<sup>nd</sup>, 2011.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Quest Ventures;  
Timothy McAuliffe  
156 West 56<sup>th</sup> Street  
New York, New York 10019

Marie Guerrero Tooker  
3581 Middle Country Rd.  
Calverton, New York 11933

United States Trustee  
560 Federal Plaza  
Central Islip, New York

212-237-1000

631-484-5709

631-715-7800

Dated: March 7<sup>th</sup> 2011

Signed: 

Attorney for Appellant (or Appellant, if not represented by an Attorney)

Attorney Name: Marie Guerrero Tooker

Address: 3581 middle Country Rd.  
Calverton, New York 11933

Telephone No: 631-484-5709

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the district court.

*If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

Marie Tooker a/k/a  
Marie Guerrero-Tooker a/k/a  
Marie Guerrero,

Case No.: 10-79529-478

Debtor.

-----X

**ORDER**

WHEREAS, the above referenced Debtor filed a motion on shortened notice on February 16, 2011 seeking to have the Court recuse itself from this bankruptcy case (the "Motion"), and a hearing was held on February 22, 2011 (the "Hearing") on the Debtor's Motion, and the Court having considered the allegations and arguments raised by the Debtor, and the Debtor having failed to present any evidence in support of her allegations or arguments for recusal, and the Court finds that no cause exists for this Court to recuse itself from this bankruptcy case for the reasons stated on the record at the Hearing, it is

**ORDERED**, that the Debtor's Motion is denied.

Dated: Central Islip, New York  
February 22, 2011



*Dorothy Eisenberg*  
Dorothy Eisenberg  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

MARIE TOOKER,

Case No. 810-79529-478

Debtor.

Chapter 11

-----X

**ORDER DISMISSING THE WITHIN CHAPTER 11 CASE WITH PREJUDICE**

**WHEREAS**, Quest Ventures, Ltd. (“Quest”), by its counsel, having moved by notice of motion seeking entry of an order under 11 U.S.C. §1112(b) converting this chapter 11 case to a case under chapter 7 of the Bankruptcy Code (the “Motion”); and

**WHEREAS**, the Office of the United States Trustee having filed an affirmation in support of the Motion, and in the alternative, seeking dismissal *of* this case; and

**WHEREAS**, the Motion having come before the Honorable Dorothy Eisenberg on the 22<sup>nd</sup> day of February 2011; and

**WHEREAS**, Quest having appeared by its counsel, E. Timothy McAuliffe, Jr., Esq. (“Counsel”) of Windels Marx Lane & Mittendorf, LLP in support of conversion of this chapter 11 case to one under chapter 7 of the Bankruptcy Code; and

**WHEREAS**, the United States Trustee having appeared in support of dismissal of this chapter 11 case by Stan Y. Yang, Esq.; and

**WHEREAS**, Marie Tooker (“Debtor”), the *pro se* debtor, having appeared in opposition of the relief sought by Quest and the United States Trustee; and

**WHEREAS**, after hearing those parties whose appearances are set forth on the record and after determining that notice was appropriate and after finding sufficient cause shown in support of the relief sought by the movants in the Motion to either dismiss this chapter 11 case, or in the alternative, convert this chapter 11 case to one under chapter 7 of the Bankruptcy Code; and

**WHEREAS**, the Court further finding that it is in the best interest of creditors of this estate to dismiss this chapter 11 case with prejudice *pursuant to 11 U.S.C. §§ 1112(b)(1), (b)(4)(E), and (b)(4)(F) due to the failure of the Debtor to file the required monthly operating*

*reports, the failure of the Debtor to provide proof of insurance, and the failure of the Debtor to comply with prior orders of the Court; and*

*WHEREAS, the Court finds that there is no evidence to support the Debtor's allegation that she is a farmer under 11 U.S.C. § 101(20); it is hereby*

**ORDERED**, that this case commenced under chapter 11 of the Bankruptcy Code is dismissed, with prejudice, and it is further

**ORDERED**, that without further notice, hearing *and Order of the Court*, the Debtor is precluded from filing a bankruptcy petition for a period of one (1) year from the date of entry of this Order.

Dated: Central Islip, New York  
February 24, 2011



*Dorothy Eisenberg*  
Dorothy Eisenberg  
United States Bankruptcy Judge

## United States Bankruptcy Court

Eastern District Of New York  
290 Federal Plaza, P.O. Box #9013  
Central Islip, NY 11722-9013

IN RE:

CASE NO: 8-10-79529-dte

Marie Tooker  
aka Marie Guerrero-Tooker  
aka Marie Guerrero

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer ID No.:

CHAPTER: 11

xxx-xx-4909

DEBTOR(s)

### NOTICE OF DISMISSAL OF CASE WITH PREJUDICE

#### NOTICE TO DEBTOR(S), CREDITOR(S) AND INTERESTED PARTIES

Notice is hereby given that:

The above-named debtor(s) having filed a Chapter 11 petition in bankruptcy on December 7, 2010 and an order having been entered by the Honorable Dorothy Eisenberg, United States Bankruptcy Judge, on February 24, 2011 for the dismissal of said petition.

You are notified that the petition of the above-named debtor(s) has been dismissed with prejudice.

Debtor is precluded from filing a bankruptcy petition for a period of one year from the date of entry of this order.

Notice is further given that if there are any outstanding filing fees due, it must be paid in full to the clerk of court upon receipt of this notice.

Dated: February 25, 2011

For the Court, Robert A. Gavin, Jr., Clerk of Court